

PATENT
Atty Docket No. 65015
Express Mail No. EV 525171835 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chunying Du
Serial No.: 10/730,476
Filed: December 8, 2003
For: Compositions and Methods For
Cleaving IAP

Group No. 1645
Examiner: Unknown
Conf. No. 3329

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached copy of PTO Form 1449. In sections I-IV, below, the paragraph(s) marked with an "x" in the requisite space are applicable to this Information Disclosure Statement.

CERTIFICATE OF MAILING

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

MAILING

- ☐ 37 C.F.R. §1.8
as first class mail.

- ☒ 37 C.F.R. §1.10
as "Express Mail Post Office to Addressee"
EXPRESS MAIL NO.

FACSIMILE TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Gayle Canfield
Name of Depositor

Gayle Canfield

Signature

November 4, 2005
Date

I. REQUEST FOR CONSIDERATION

☐ (a) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the entry of the national stage of the above-identified application. Accordingly, applicant(s) believe(s) that no fee or certification is required.

☐ (b) Applicant(s) believe(s) the enclosed Information Disclosure Statement is entitled to the benefit of 37 CFR §1.97 (b) (3) as it is being filed before the mailing of the first Office Action on the merits. Accordingly, applicant(s) believe(s) that no fee or certification is required.

☐ (c) Applicant(s) believe(s) the enclosed Information Disclosure Statement is entitled to the benefit of 37 CFR §1.97 (b) (4) as it is being submitted before the mailing of an Office Action after the filing of a request for continued examination under 37 CFR §1.114. Accordingly, applicant(s) believe(s) that no fee for certification is required.

☐ (d) Pursuant to 37 CFR §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

☐ a certification under 37 CFR §1.97(e); or

☐ the fee set forth in 37 CFR §1.17 (p) (\$180.00);

☐ a check for this fee is enclosed herewith; or

☐ please charge this fee to Deposit Account No. 50-1662.

II. PETITION UNDER 37 CFR 1.97 (d)

☐ a) Pursuant to 37 CFR §1.97 (d), applicant(s) hereby petition(s) the Commissioner to consider the attached Information Disclosure Statement. Applicant(s) state(s) that the issue fee has not been paid and that a certification under 37 CFR §1.97 (e) is provided herein, along with the petition fee of \$130.00 required under 37 CFR §1.17 (i) (1);

☐ a check for this petition fee is enclosed herewith;

☐ please charge this petition fee to Deposit Account No. 50-1662;

and

b) The information disclosure fee of \$200.00 required by 37 CFR §1.17 (p) is believed to be due, and

☐ a check for this fee is enclosed herewith; or

☐ please charge this fee to Deposit Account No. 50-1662.

III. CERTIFICATION UNDER 37 CFR §1.97 (e) (1)

[X] The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement. Art was cited in an International search Report mailed 20 Oct. 2005 in the PCT Application No. PCT/US04/03415 corresponding to the above listed patent application.

☐ A copy of the _____ by the International Preliminary Examining Authority is enclosed herewith.

IV. CERTIFICATION UNDER 37 CFR §1.97 (e) (2)

[] The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 CFR §1.56 (c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a governmental or international or regional bureau searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 CFR §1.98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, applicant does not necessarily adopt the position reflected by that report.

The information herein cited is only in fulfillment of Applicant's(s') duty of candor in disclosing all information brought to Applicant's(s') attention. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant(s) reserve(s) the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant(s) further reserve(s) the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1662.

Respectfully submitted,

POLSINELLI SHALTON WELTE SUELTHAUS PC

Date: November 4, 2005

By: 

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Attorney for Applicant(s)

018538 / 065015
JASCO 1251366



11-07-05

JFW

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Matter No.	
Applicant(s): Chunying Du			65015	
Serial No. 10/730,476	Filing Date December 8, 2003	Examiner Unknown	Group Art Unit 1645	Confirmation No. 3329
Invention: Compositions and Methods For Cleaving IAP				
<p>I hereby certify that a Transmittal (2 pages, in duplicate); Information Disclosure Statement (5 pages); Information Disclosure Statement by Applicant (2 pages), including three cited references; a Certificate of Mailing by Express Mail (1 page); and a stamped, pre-addressed postcard are being mailed by U.S. Postal Service Express Mail to Addressee: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 4th day of November, 2005.</p> <p style="text-align: center;">_____ Gayle Canfield (Typed or Printed Name of Person Mailing Correspondence)</p> <p style="text-align: center;">_____ <i>Gayle Canfield</i> (Signature of Person Mailing Correspondence)</p> <p style="text-align: center;">_____ EV 52517183 US (“Express Mail” Mailing Label Number)</p>				



PATENT
Atty Docket No. 65015
Express Mail No. EV 525171835 US

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chunying Du
Serial No.: 10/730,476
Filed: December 8, 2003
For: Compositions and Methods For
Cleaving IAP

Group No. 1645
Examiner: Unknown
Conf. No. 3329

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Attached please find the following:

- ☒ Information Disclosure Statement (5 pages);
- ☒ Information Disclosure Statement by Applicant (2 pages) including copies of
three cited references;
- ☒ Certificate of Mailing Express Mail (1 page);
- ☒ Stamped, pre-addressed postcard.

CERTIFICATE OF MAILING

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAILING

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Gayle Canfield
Name of Depositor

Signature

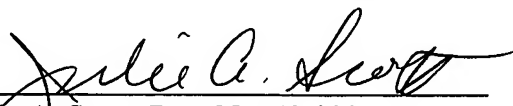
November 4, 2005
Date

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment, to Deposit Account No. 50-1662. A duplicate of this request is attached.

Respectfully submitted,

POLSINELLI SHALTON WELTE SUELTHAUS PC

Date: November 4, 2005

By: 
Julie A. Scott, Reg. No. 43,099
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Attorney for Applicants

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	10/730,476	
			Filing Date	December 8, 2003	
			First Named Inventor	Chunying Du	
			Art Unit	1645	
			Examiner Name		
Sheet	2	of	2	Attorney Docket Number	65015

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	PCT International Search Report and The Written Opinion of the International Searching Authority, dated October 20, 2005 for International Application No. PCT/US04/03415.	
	C2	Suzuki, Y., et al., A Serine Protease, HtrA2, Is Released from the Mitochondria and Interacts with XIAP, Inducing Cell Death, Molecular Cell, Molecular Cell, Vol. 8, 613-621, September 2001.	
	C3	Verhagen, Anne, et al., HtrA2 Promotes Cell Death through Its Serine Protease Activity and Its Ability to Antagonize Inhibitor of Apoptosis Proteins, The Journal of Biological Chemistry, Vol. 277, No. 1, 445-454, January 4, 2002.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.